

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ROBERT JOSEPH HANSON,)	
)	
Plaintiff,)	
)	
vs.)	No. 4:07-CV-816 (CEJ)
)	
CITY OF HERMANN, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on the motion of defendant City of Hermann Police Department (the Police Department) to dismiss under Fed.R.Civ.P. 12(b)(6) for failure to state a claim. Plaintiff has not responded, and the time allowed for doing so has expired.


Plaintiff brings this action pursuant to 42 U.S.C. § 1983 for damages resulting from his arrest and detention by City of Hermann police officers. The Police Department argues that, because of its status as a department of co-defendant City of Hermann, it cannot be sued separately from the City.

It is undisputed that the Police Department is a department of the City of Hermann. As such, the Police Department is not a separate entity that is subject to suit. See Ketchum v. City of West Memphis, Arkansas, 974 F.2d 81, 82 (8th Cir. 1992); Diggs v. Osceola Police Dept., 2007 WL 162703 at *1. There is no provision under Missouri law establishing the Police Department as a corporate entity or creating a legal identity for the Police Department separate from that of the City of Hermann.

Accordingly,

IT IS HEREBY ORDERED that the motion [#9] of defendant City of Hermann Police Department to dismiss the complaint pursuant to Fed.R.Civ.P. 12(b)(6) is **granted**.

IT IS FURTHER ORDERED that this action is **dismissed for failure to state a claim** as to defendant City of Hermann Police Department only.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 29th day of October, 2007.